BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 2012-743
BRADLEY JAMES WASSIL **563 E. El Paso, Unit 101** **Fresno, CA 93720**	**DEFAULT DECISION AND ORDER**
Registered Nurse License No. 738235	[Gov. Code, §11520]
Respondent.	

FINDINGS OF FACT

1. On or about June 15, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-743 against Bradley James Wassil (Respondent) before the Board of Registered Nursing. (A copy of the Accusation is attached as Exhibit A.)

2. On or about October 14, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 738235 to Respondent. The Registered Nurse License expired on June 30, 2012, and has not been renewed.

3. On or about June 15, 2012, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-743, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board. Respondent's address of record was and is:

563 E. El Paso, Unit 101
Fresno, CA 93720

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about June 22, 2012, the aforementioned documents were delivered to Respondent's address of record. On or about June 27, 2012, the Board received the signed Domestic Return Receipt from the U.S. Postal Service.

6. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2012-743.

8. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-743, finds that the charges and allegations in Accusation No. 2012-743, are separately and severally, found to be true and correct by clear and convincing evidence.

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10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is $4,664.50 as of July 18, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Bradley James Wassil has subjected his Registered Nurse License No. 738235 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the Default Decision Investigatory Evidence Packet in this case:

Respondent has subjected his registered nurse license to disciplinary action under section 2762, subdivision (e) of the Code for unprofessional conduct in that on multiple occasions, while employed at a hospital on June 27, 2011 and June 28, 2011, Respondent falsified, or made grossly incorrect or grossly inconsistent entries in hospital records pertaining to controlled substances prescribed to two patients when he removed controlled substances from the Pyxis and failed to properly document his disposition of the narcotics in the patients' MAR or hospital records.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 738235, heretofore issued to Respondent Bradley James Wassil, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on DECEMBER 26, 2012.

It is so ORDERED NOVEMBER 26, 2012.

Reynaud Trallet

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: SD2012703382

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **BRADLEY JAMES WASSIL** **563 E. El Paso, Unit 101** **Fresno, CA 93720** **Registered Nurse License No. 738235** Respondent.	Case No. 2012-743 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about October 14, 2008, the Board of Registered Nursing issued Registered Nurse License Number 738235 to Bradley James Wassil (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

7. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

. . . .

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

8. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

10. Dilaudid, a brand name for hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code Section 11055, subdivision (b)(1)(K) and is a dangerous drug pursuant to Business and Professions Code section 4022.

11. Norco, the brand name for hydrocodone bitartate with acetaminophen, is a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

12. At all times referenced herein, Respondent was employed by nurse registry Premiere Healthcare Services (PHS) Staffing (which was purchased by RN Advantage in 2012). Respondent was placed at Corona Regional Medical Center (CRMC) as a registered nurse in the Medical/Surgical Unit. The unit contained a Pyxis MedStation.[1]

13. On or about February 27 to February 28, 2011, the following medication administration discrepancies involving Respondent were discovered by CRMC:

[1] "Pyxis" is a trade name for the automatic single-unit dose medication dispensing system that records information such as patient name, physician orders, the date and time the medication was withdrawn, and the name of the licensed individual who withdrew and administered the medication. Each user/operator is given a user identification code to operate the control panel. Sometimes only portions of the withdrawn medications are administered to the patient. The portions not administered are referred to as "wastage." Wasted medications must be disposed of in accordance with hospital rules and must be witnessed by another authorized user and recorded in Pyxis.

Patient A (MRN 835519)

14. Patient A had a physician's order on February 27, 2011, for 1 tablet of Norco 1/325 mg., by mouth, every six hours as needed for moderate pain, and Dilaudid 2 mg, intravenously, every three hours as needed for pain. On February 28, 2011, the physician added morphine 2 mg syringe, intravenously, every three hours as needed for pain.

15. At 1043 hours, on February 28, 2011, Respondent removed from Pyxis 2 mg. Dilaudid. Respondent charted the dose in the patient's Medication Administration Record (MAR) as administered at 0930, one hour and thirteen minutes before it was removed from Pyxis.

16. At 1256, Respondent removed 2 mg. Dilaudid and charted it administered at 1255.

17. At 1457 on February 28, 2011, Respondent removed a tablet of Norco and documented in the patient's MAR that it was administered at 1400, nearly one hour prior to its removal from Pyxis.

Patient B (MRN 366379)

18. Patient B had a physician's order on February 27, 2011, for morphine 2 mg syringe, intravenously, every two hours as needed for severe pain.

19. At 0800 on February 28, 2011, Respondent removed 2 mg. morphine from Pyxis and documented in the patient's MAR that the dose was administered at 0800, and documented on the patient's Intervention/Evaluation Form that the dose was administered at 0815.

20. Respondent removed 2 mg. morphine from Pyxis at 1103. Respondent documented in the patient's MAR that the dose was administered at 1045, and charted the dose administered at 1015 on the patient's Intervention/Evaluation Form.

21. At 1456 on February 28, 2011, Respondent removed 2 mg. morphine. Respondent failed to chart the dose administered in the patient's MAR, however, Respondent charted the dose administered at 1215 on the patient's Intervention/Evaluation Form.

22. On or about February 28, 2011, CRMC notified PHS Staffing that Respondent was placed on a "Do Not Return" status for the above discrepancies involving controlled substance administration and documentation. On or about March 1, 2011, CRMC filed a complaint with the Board.

Division of Investigations (DOI) Contact With Respondent

23. A DOI investigator spoke to Respondent by telephone on or about January 23, 2012. At that time, an attempt was made to schedule an interview with Respondent and the person Respondent identified as his attorney of record. In an e-mail dated January 26, 2012, the DOI investigator was informed by Respondent's former attorney that she was not representing Respondent. The DOI investigator left a voicemail with Respondent to call her.

24. On or about January 27, 2012, the DOI investigator mailed a letter to Respondent requesting that Respondent contact the investigator. To date, Respondent has failed to cooperate with the investigation

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Fraudulent Documentation in Hospital Records)

25. Respondent has subjected his registered nurse license to disciplinary action under section 2762, subdivision (e) of the Code for unprofessional conduct in that on multiple occasions, as described in paragraphs 15-23, above, Respondent falsified, or made grossly incorrect or grossly inconsistent entries in hospital records pertaining to controlled substances prescribed to two patients when he removed controlled substances from Pyxis and failed to properly document his handling of the narcotics in the patients' MAR or hospital records.

DISCIPLINARY CONSIDERATIONS

26. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about November 4, 2011, officers from the Tustin Police Department responded to a report of a theft at a local hospital. According to a pharmacy technician, she found a discrepancy during her morning inventory of the Pyxis Medstation. Respondent had worked the previous day's shift (November 3, 2011) from 0700 to 1900 hours as a traveling nurse for PHS Staffing. According to the report taken from Pyxis, Respondent had removed an excessive amount of Schedule II controlled substances during his shift, as follows:

a. Patient C.Z. had a physician's prescription for one vial (1 ml) of Dilaudid every three hours as needed. Respondent charted that he administered four vials of Dilaudid to Patient C.Z., however, Respondent removed 34 additional vials of Dilaudid from Pyxis, that were not

ordered and were unaccounted for. Respondent also removed five vials of Demerol, six vials of Phenergan, six tablets of Oxycontin, eight tablets of Norco, and ten tablets of Dolphine.

b. Patient D.S. had a physician's prescription for one vial Dilaudid (.5 ml) every four hours as needed. Respondent charted one dose administered to Patient D.S. Respondent removed an additional 14 vials of Dilaudid from Pyxis which were not ordered by the physician and were unaccounted for. Respondent also removed eight vials of Demerol, and 12 vials of Phenergan.

c. Respondent removed one vial of Demerol for Patient D.W. that was not ordered by the patient's physician.

27. As a result of the investigation, charges were referred to the Orange County District Attorney's Office and a complaint was filed in the matter of *People of the State of California v. Bradley James Wassil*, in case number 12CF0793, charging Respondent with three felony counts of unlawful possession of a controlled substance (Health & Saf. Code, § 11350(a)), and petty theft (Pen. Code, § 484(a)-488), a misdemeanor. Respondent failed to appear at his arraignment on May 10, 2012, and a warrant was issued for his arrest. Respondent is considered a fugitive.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 738235, issued to Bradley James Wassil;

2. Ordering Bradley James Wassil to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: June 15, 2012

for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant